

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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 GARNER PROPERTIES & MANAGEMENT, :
 LCC, :
 Plaintiff, :
 -----x

v.

MARBLECAST OF MICHIGAN, INC., and :
 AMERICAN WOODMARK CORPORATION, :
 Defendants. :
 -----x

USDS SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
ORDER FILED: <u>7-16-18</u>

18 MC 249 (VB)

On June 7, 2018, non-party movant Contractors Register, Inc., filed a motion to quash a subpoena to testify at a deposition in a civil action. (Doc. #1).

Pursuant to Fed. R. Civ. P. 45(d)(3)(A), “the court for the district where compliance is required must quash or modify a subpoena that: (i) fails to allow a reasonable time to comply; (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c); (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or (iv) subjects a person to undue burden.” (Emphasis added).

The subpoena commands movant to appear for a deposition at Alliance Court Reporting, 120 East Avenue, Suite 200, Rochester, New York 14604. (See Doc. #5-4.) Rochester is located in the Western District of New York. Because the subpoena requires compliance in the Western District of New York, any motion to quash the subpoena must be filed in the Western District of New York.

Accordingly, the motion is DENIED WITHOUT PREJUDICE to re-filing in the proper district.

The Clerk is instructed to terminate the motion (Doc. #1) and close this case.

By July 23, 2018, movants’ counsel is directed to serve a copy of this Order by e-mail on counsel for all other parties in this case, and to file proof of service on the ECF docket.

Dated: July 16, 2018
 White Plains, NY

SO ORDERED:

Vincent L. Briccetti
 United States District Judge